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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,655	04/27/2001	Haruhiko Kinoshita	048369/0122	7697
22428	7590	01/28/2008		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/842,655

Applicant(s)

KINOSHITA, HARUHIKO

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 10-26 remain currently pending in application 09/842,655.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed et al. (US 6,067,528).
4. As per **independent Claims 10, 16, and 23**, Breed discloses a method, comprising: sending at least non-public business information from a candidate enterprise terminal (potential seller information) to an application service provider over a communication network, said non-public business information including at least non-public financial, accounting, and tax information of a candidate enterprise (Abstract, C5-C6, veiled information); storing, by said application service provider server, said non-public business information; sending said non-public business information from said application service provider server to a merger and acquisition brokering business entity terminal over said communication network in response

to a request from said merger and acquisition brokering business entity terminal (C5-C6); and generating, by said merger and acquisition brokering business entity terminal, a merger or acquisition proposal based on said non-public business information, said merger or acquisition proposal being a proposal that specifies terms (revenue and geography – meet specific needs/wants – terms for company to make an acquisition) for a merger or an acquisition related to said candidate enterprise (Fig.10A, C6, System provides information based on required matching criteria/terms - revenue and geography).

5. As per Claim 11, 18, and 24, Breed discloses sending at least second non-public business information from a second candidate enterprise (potential buyer information) terminal to said application service provider server over said communication network, said second non-public business information including at least non-public financial, accounting, and tax information of a second candidate enterprise; storing, by said application service provider server, said second non-public business information; sending said second non-public business information from said application service provider server to said merger and acquisition brokering business entity terminal over said communication network in response to a second request from said merger and acquisition brokering business entity terminal; and generating, by said merger and acquisition brokering business entity terminal, a second merger or acquisition proposal based on said second non-public business information, said second merger or acquisition proposal being a second proposal that specifies terms for a second merger or a second acquisition related to said second candidate enterprise (C5-C7).
6. As per Claim 12 and 19, Breed discloses wherein said step of sending at least non-public business information from a candidate enterprise terminal to an application service provider

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server over a communication network, comprises: periodically sending (updating) non-public business information from a candidate enterprise terminal to an application service provider server over a communication network, said non-public business information including at least non-public financial, accounting, and tax information of a candidate enterprise (C7, database information is updated)

7. As per Claim 13 and 20, Breed discloses wherein said communication network is the Internet (C5 L4).
8. As per Claim 14 and 21, Breed discloses wherein said application service provider server comprises a computer; wherein said candidate enterprise terminal comprises a computer; and herein said merger and acquisition brokering business entity terminal comprises a computer (C5-C7).
9. As per Claim 15 and 22, Breed discloses wherein said non-public business information has not been made public (C5-C7, veiled information).
10. As per Claim 17, Breed discloses sending said merger or acquisition proposal from said merger and acquisition brokering business entity terminal to said candidate enterprise terminal (C5-C7).
11. As per Claims 25 and 26, Breed discloses wherein the candidate enterprise terminal is configured to transmit data to the application service provider server to update the non-public business information each time the non-public business information is updated at the candidate enterprise terminal, such that the application service provider server maintains a latest version of the non-public business information from the candidate enterprise terminal (C5-C7).

Response to Arguments

12. Applicant's arguments filed 11/2/2007, with respect to Claims 10-26, have been considered but are not persuasive. The rejection will remain as FINAL, based on the cited prior art.
13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
14. The Applicant has made the argument that the cited prior art fails to teach or suggest generating merger or acquisition proposals.
15. However, Breed discloses providing the user with a group of possible companies to purchase/acquire (proposal) based on specific needs (revenue, geography) (C6).
16. The Applicant is directed to the newly cited rejection above, in regards to the remaining arguments.

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Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

January 21, 2008


JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600